

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dr. Vince Michael Figueredo

Serial No.: 09/312,922

Filed: May 17, 1999

For: **SYSTEM FOR TRANSMITTING  
VIDEO IMAGES OVER A  
COMPUTER NETWORK TO A  
REMOTE RECEIVER**



) Group Art Unit: 2713

) Examiner:

) **PETITION TO FILE DECLARATION  
WITHOUT THE INVENTOR'S  
SIGNATURE UNDER 37 CFR § 1.47(a)**

) 260 Sheridan Avenue, Suite 420  
) Palo Alto, California 94306  
) (650)833-0160

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice To File Missing Parts Of Application, mailed on June 14, 1999, for the above-referenced patent application, IntraCom Corporation, a corporation of the State of Delaware, having a principle place of business located at 1320 Harbor Bay Parkway, Suite 240, Alameda, CA 94502, hereby respectfully petitions for status under 37 CFR § 1.47(a). A check including funds to cover the fee under 37 CFR § 1.17(i) of \$130.00 for this petition is attached. In support of this petition, the Declaration of Jonathan O. Owens and the Declaration of Cyrus Javad Hoomani are also attached. IntraCom Corporation is also attaching a Petition To Exclude Inventors From Access To Application File.

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PETITION UNDER 37 CFR § 1.47 . . . Page 1

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington D.C 20231

HAYERSTOCK & OWENS LLP

Date: 12/14/99

By: [Signature]

The Manual of Patent Examining Procedure, in Section 409.03(a) states that an application deposited pursuant to 37 CFR § 1.47(a) must meet the following three requirements:

*(1) All the available joint inventors must make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 and make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64.*

In accordance with this requirement, applicants are submitting a Combined Declaration For Patent Application And Power Of Attorney form signed by all of the joint inventors except Kendyl A. Roman and Thomas Joseph Broadbent. The MPEP provides that "[a]n oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated." Accordingly, this requirement has been fulfilled.

*(2) The application must be accompanied by proof that the nonsigning inventor cannot be found or reached after diligent effort or refuses to execute the application papers.*

In accordance with this requirement, applicants are submitting the attached Declaration of the undersigned, Jonathan O. Owens, which demonstrates that Kendyl A. Roman was provided with a copy of the application, through his attorney, and after being given an opportunity to sign the application papers, refused to sign the application papers. [See, Declaration Of Jonathan O. Owens ¶¶ 4-9] Applicants are also submitting the attached Declaration of Cyrus Javad Hoomani, a co-inventor, which demonstrates that Thomas Joseph Broadbent is unavailable to sign the formal application papers. [See, Declaration Of Cyrus Javad Hoomani ¶¶ 2-3]

The Declaration of Jonathan O. Owens also demonstrates that both Kendyl A. Roman and Thomas Joseph Broadbent signed an assignment to IntraCom Corporation, for a provisional application, from which the present application claims priority, in which both Kendyl A. Roman and Thomas Joseph Broadbent "sold, assigned and transferred . . . all right, title and interest in and to said invention, said provisional patent application and any application for United States Letters Patent claiming priority of this provisional patent application, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world . . ." and also agreed to "cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvements in any and all countries, and to vest title thereto in said Assignee, or Assignee's successors and assigns." [See, Declaration Of Jonathan O. Owens ¶ 3] Accordingly, by these declarations, applicants have demonstrated that Kendyl A. Roman has refused to sign the application after being given an opportunity to do so, and that Thomas Joseph Broadbent is unavailable to sign the application papers. This requirement has therefore been fulfilled.

*(3) The last known address of the nonsigning joint inventor must be stated.*

The last known address of both Kendyl A. Roman and Thomas Joseph Broadbent are herein provided. Kendyl A. Roman's last known address is 730 Bantry Court, Sunnyvale, California 94087-3402. Thomas Joseph Broadbent's last known address is 850 Cathedral Drive, Sunnyvale, California 94087. Accordingly, this requirement has been fulfilled.

Because each of the requirements given in M.P.E.P. § 409.03(a) for status under 37 CFR § 1.47(a) has been complied with, the 37 CFR § 1.47(a) applicant respectfully requests that such status be awarded.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: Dec. 14, 1999

By: Jonathan O. Owens  
Jonathan O. Owens  
Reg. No.: 37,902

Attorneys for Applicants